

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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DEVIN KEITT,

-v.-

CITY OF NEW YORK, et al.,

Plaintiff,

Defendants.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 8/25/09

09 Civ. 5663 (GEL)

ORDER

GERARD E. LYNCH, District Judge:

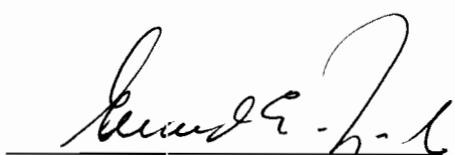
Plaintiff Devin Keitt, a prisoner in the custody of the New York State Department of Corrections, commenced this action on June 22, 2009, alleging violations of his First, Fourth, Fifth, Sixth, and Fourteenth Amendment rights. Plaintiff now moves for leave to proceed in forma pauperis and for appointment of counsel. The motion for the appointment of counsel will be denied. The motion to proceed in forma pauperis will be granted.

Although there is no constitutional right to appointed counsel in civil cases, under 28 U.S.C. § 1915(e), a court has the discretion to appoint counsel to assist indigent litigants. Although plaintiff has demonstrated his indigent status, appointment of counsel in this case is premature, as defendants have not yet filed an answer and the Court lacks sufficient information to assess plaintiff's claims in accordance with the standards set forth in Hendricks v. Coughlin, 114 F.3d 390, 392 (2d Cir.1997), and Hodge v. Police Officers, 802 F.2d 58 (2d Cir.1986). Accordingly, it is hereby ORDERED:

1. Plaintiff's motion for leave to proceed in forma pauperis is granted.
2. Plaintiff's motion for appointment of counsel is denied, without prejudice to him renewing it upon adequate support at the appropriate time.
3. Plaintiff's time to serve the summons issued in the case is extended to October 23, 2009.

SO ORDERED.

Dated: New York, New York
August 25, 2009



GERARD E. LYNCH
United States District Judge